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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,745	02/21/2002	David Raymond Posh	AUS920010933US1	5306

7590 07/14/2005

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,745

Applicant(s)

POSH ET AL.

Examiner

Maikhanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 05/03/2005 to the original application filed 02/21/2002.
2. Claims 1-24 are pending in this application. Claims 1, 9, and 17 have been amended. Claims 1, 9, and 17 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-15 and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by **Brown et al.** (U.S. 5,887,133- issued 03/1999).

As to independent claim 9:

- a. Brown teaches (*col.3, lines 51-65*) a method of user-interactive document editing (*i.e., an original document is modified*) on a display (*i.e., display them on a user set*) comprising:

- (i) defining one segment of displayed data in a displayed document (*i.e.*,
locate the identifier portion of each of the original document
portions...identify the undesired original document portion; see the
abstract; col.3, line 67-col.4, line 4; and col.12, lines 12-18);
- (ii) defining another segment of displayed data in said displayed document
(i.e., sends the substitute document portion to the controller; see the
Abstract; col.4, line 10; and col.12, line 20);
- (iii) enabling a user to select to directly swap the one segment with the another
segment (*i.e., issuing a swap order when said undesired original*
document portion is found; col.4, lines 5-6 and col.12, lines 16-18); and
- (iv) swapping the positions of said segments of data with each other in a single
step independently of separately identifying a new location for each of the
one and other segments other than defining each segment responsive to a
user selection to swap (*i.e., a swapping device or mechanism inserts the*
substitute document portion in place of the original document portion; see
the abstract/a swapping means for inserting said substitute document
portion in place of said undesired original document portions to obtain
said modified document; col.12, lines 22-24).

As to dependent claim 10:

Brown teaches highlighting the one and another segments prior to swapping the positions of the segments (*i.e., the user select the options "what to swap"; col.10, lines 60-62).*

As to dependent claim 11:

Brown teaches the displayed data in the swapped segments is alphanumeric text (*i.e., document portion; see the Abstract and col.6, lines 36-43*).

As to dependent claim 12:

Brown teaches the alphanumeric text in each of the swapped segment is a phrase (*i.e., when original document portion 100 is undesired, swapping mechanism 210 will issued swapping order ... "remember to monitor your blood glucose level"; col.10, lines 33-43*).

As to dependent claim 13:

Brown teaches the alphanumeric text in each of the swapped segments is a sentence (*i.e., when original document portion 100 is undesired, swapping mechanism 210 will issued swapping order ... "remember to monitor your blood glucose level"; col.10, lines 33-43*).

As to dependent claim 14:

Brown teaches the alphanumeric text in each of the swapped segments is a paragraph (*the same procedure described in claims 12 and 13 above could be applied for swapping paragraphs*).

As to dependent claim 15:

Brown teaches the alphanumeric text in each of the swapped segments is at least one page in length (*the same procedure described in claims 12 and 13 above could be applied for swapping pages*).

As to independent claim 1:

It is directed to a system for performing the method of claim 9, and is similarly rejected under the same rationale.

As to dependent claims 2-7:

They include the same limitations as in claims 10-15, and are similarly rejected under the same rationale.

As to independent claim 17:

It is directed a computer program for implementing the method of claim 9, and is similarly rejected under the same rationale.

As to dependent claims 18-23:

They include the same limitations as in claims 10-15, and are similarly rejected under the same rationale.

4. Claims 8, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Aratani et al. (U.S. 6,538,675 – filed 04/1999).

As to dependent claims 8, 16 and 24:

- a. Brown does not explicitly teach “swapping images.”
- b. Aratani teaches swapping images (*e.g., switching images; Abstract & col.1, lines 58-62*).
- c. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Aratani in the system of Brown because it would have provided the capability for increasing flexibility when editing a document.

Response to Arguments

5. Applicant's arguments filed on 05/03/2005 have been fully considered but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chung et al.	U.S. Patent No. 5,086,503	Issued: Feb. 4, 1992
Kwatinetz et al.	U.S. Patent No. 5,574,840	Issued: Nov. 12, 1996
Kwatinetz et al.	U.S. Patent No. 5,832,528	Issued: Nov. 3, 1998
Johnson et al.	U.S. Patent No. 6,341,801	Issued: Jan. 29, 2002
Johnson et al.	U.S. Patent No. 6,443,943	Issued: Sep. 3, 2002

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

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4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/7/2005